



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 1114-99
26 October 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 SER N130G/001-00 of 1 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

7220
Ser N130G/001-00
01 OCT 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-OOXCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO FMR MBR
[REDACTED]

Ref: (a) CNO 012000Z Jul 94
(b) CNO 192033Z Dec 94
(c) CNO 261935Z Jun 96

Encl: (1) BCNR Case File #1114-99

1. The following recommendation concerning enclosure (1) is forwarded for your consideration on the petitioner's request for Temporary Early Retirement Authority (TERA) because he was not allowed to complete the additional six months required to retire under the 15-year early retirement program.

2. Phase II of the FY-95 TERA program implemented on 1 July 1994 by NAVADMIN 117/94, reference (a), expanded eligibility for enlisted TERA for FY-95 to paygrades below E-8. This program offered early retirement at a somewhat reduced monthly stipend to enlisted sailors in eligible ratings and paygrades that had at least 15, but less than 20 years of active service by 31 October 1994. Applications for TERA retirements were accepted from the DTG of the NAVADMIN until 16 September 1994.

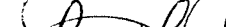
3. The FY-96 TERA program implemented on 19 December 1994 by NAVADMIN 240/94, reference (b), accepted applications from the DTG of the NAVADMIN until 18 February 1995.

4. N130G cannot recommend relief for the petitioner since applicants had to be eligible in order to apply for TERA.

a. On 31 October 1994 the petitioner's length of service was 13 years, 9 months and 26 days making him ineligible for the FY-95 TERA program.

[REDACTED]

c. The petitioner's length of service would have exceeded 15 years if he had remained on active duty beyond 5 January 1996. However, he would have had to stay on active duty for over 21 months after his separation to take advantage of the FY-97 TERA program. The FY-97 TERA program was implemented on 26 June 1996 by NAVADMIN 153/96, reference (c), and accepted applications from the DTG of the NAVADMIN until 31 August 1996 for retirements between 1 October 1996 through 31 December 1996.


L. A. LESTER
Head, Retired, Reserve and
Medical Pay Section (N130G)